

Procurement Policy



Adopted on: March 10, 2026
SCMPO Executive Board

Prepared by the Sun Corridor MPO
211 N. Florence Street, Ste. 103
Casa Grande, AZ 85122

Table of Contents

1. General Principles	3
A. Compliance and Oversight	4
1. Code Citations	4
2. State and Federal Oversight	4
3. Policy Amendment Process	4
B. Fair Competition and Disadvantaged Business	5
1. Fair Competition, Equal Information	5
2. Disadvantaged Businesses (DBE's)	5
3. Communication with Vendors & Consultants on Competitive Procurements	5
C. Sun Corridor MPO Staff Responsibilities	7
1. Purchasing Agents	7
2. Conflict of Interest, Gifts	7
3. Anti-Lobbying	7
4. Travel	7
2. Procurement Methods	8
A. Informal Procurement	8
1. Micro-Purchases	8
2. Small-Purchases (Simplified Acquisition)	8
B. Formal Procurement	9
1. Proposals	9
C. Non-Competitive Procurement / Special Purchase	10
3. Procurement Components and Procedures	11
A. Specific Processes	11
1. Technical Requirements - Project Scoping	11
2. Procurement Schedule, & Questions Deadlines	12
3. Selection Committee	13
4. Interviews	13
5. Negotiations & Award Notifications	13
6. Sub-Consultants	14
B. Documentation and Public Disclosure	14
1. Basic Procurement Documentation	14
2. Special Purchase Documentation	15
3. Register of Proposals	15
4. Public Disclosures	15
C. Protests, Disputes, and Claims	16
1. Protests	16
2. Disputes	16
3. Claims	16
4. Project Award & Contracting	17
A. Registration	17
1. Vendor Verification	17
2. Debarment	17
B. Professional Service Agreement	18
1. Insurance Requirements	18
2. Term of Selection, Renewals	18
3. Contract Cost and Price	18

4. Contract Types..... 18

C. Required Contract Provisions 19

5. Project Administration Checklist 20

 Exhibit A - SCMPO Procurement Methods at a Glance 23

 Exhibit B – ADOT Procurement Checklists & Forms..... 25

 Exhibit C - Request for Proposals (RFP) Template (Formal Solicitation Packet) 26

 Exhibit D - Three Quote Procurement Template (Informal Solicitation Packet)..... 27

 Exhibit E – Scope Requirements 28

 Exhibit F – Professional Service Agreement (PSA) 32

1. General Principles

This procurement document applies to all purchases and/or procurements by the Sun Corridor Metropolitan Planning Organization (SCMPO) without regard to the source of funds, including local funds, State, and Federal assistance funding, except as provided by law. All procurement transactions will be conducted in a manner providing full and open competition (when practicable, emergencies and unusual business demands may allow deviation from the full competition) consistent with the standards outlined in United States Code of Federal Regulations (CFR). This policy is subject to changes to applicable rules and regulations.

A. Compliance and Oversight

1. Code Citations

- a. This policy is based on federal regulations for a non-federal agency in 2 *CFR* 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements.

2. State and Federal Oversight

- a. The Sun Corridor MPO (SCMPO) Procurement Records shall contain all the elements required for federally funded procurement and any requirements by the program, the funding source, the State of Arizona, or the Arizona Department of Transportation (ADOT).
- b. Record Retention: Notwithstanding the federal requirement that the Subrecipient must retain all records for three (3) years from the date of submission of their final financial report (2 *CFR* 200.334), you are herein notified pursuant to 2 *CFR* 200.334(b) that records must be retained for five (5) years from the completion of this Agreement pursuant to ARS 35-214. Additionally, if any litigation, claim, or audit is started before the expiration of the five-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- c. In the event of litigation, claims, or audit findings, the SCMPO must retain records until all issues have been resolved and final action taken. (2 *CFR* 200.334 (a)).
- d. Any SCMPO records for real property and equipment will be retained for 3 years after final disposition. (2 *CFR* 200.334 (c)).
- e. The SCMPO self-certifies this procurement policy and processes and will request a review by the Federal Highway Administration (FHWA – the SCMPO’s federal oversight agency) and the Arizona Department of Transportation (ADOT – the SCMPO’s state oversight agency) each time a major revision is necessary. Self-certification will not limit federal or state authority from reviewing the policy, procurement processes, or procurement records at any time.

3. Policy Amendment Process

- a. **Administrative:** An Administrative Revision refers to a minor, non-substantive modification made to this policy. These changes are typically administrative in nature and do not significantly alter the intent, scope, or financial impact of the policy or affect the SCMPO work program activities. They are often made to correct typographical errors, adjust federal code citations, or clarify minor technical details. Administrative Amendments are processed through internal procedures without the need for formal public involvement or approval from the SCMPO Executive Board.
- b. **Formal Amendment:** A Formal Amendment, on the other hand, involves significant changes to this policy that affect purchasing thresholds, procurement processes and procedures, contract provisions, or purchasing agent delegation and authority. These amendments often require a comprehensive review process, and approval from the SCMPO Executive Board and/or other relevant State and Federal authorities. Formal Amendments are necessary when changes impact the fundamental methods or aspects of how the SCMPO procures goods or services.

B. Fair Competition and Disadvantaged Business

1. Fair Competition, Equal Information

- a. Consultants/supplier will be given fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.
- b. The SCMPO will provide equivalent information to all consultants with which it chooses to have discussions. This principle of equal information will guide every aspect of the SCMPO's procurement process.
- c. To ensure objective consultant performance and eliminate unfair competitive advantage, consultants that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals will be excluded from competing for such procurements. (2 CFR 200.319 (a))
- d. In competitive procurements, the SCMPO will not specify a "brand name" product (unless a specific brand name is necessary to meet technical project requirements) instead allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement. (2 CFR 200.319 (c) (6)). When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offerors must be clearly stated. (2 CFR 200.319 (d) (1))
- e. If any offeror, bidder, or consultant is granted an in-person interview, every short-list offeror, bidder, or consultant must be granted the same opportunity.

2. Disadvantaged Businesses (DBE's)

- a. The SCMPO will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin. (49 CFR 26.7)
- b. The SCMPO will continue to use the Arizona Department of Transportation's (ADOT's) Disadvantaged Business Enterprise (DBE) goal process and forms to establish disadvantaged business goals for projects funded by/through ADOT.
- c. The SCMPO will request a DBE goal for DBE-conscious funding and project setup for all projects federally funded through ADOT, per ADOT's "Standard Work for Subrecipient Procurements" policy (Exhibit B of this policy). ADOT typically responds via email within 10 business days. The SCMPO will incorporate the goal into the requests and solicitations and save a PDF of that email to the project folder, which contains all procurement documentation.

3. Communication with Vendors & Consultants on Competitive Procurements

Open competition in procurement refers to a process where all qualified suppliers, consultants, or contractors are invited to bid for a contract, ensuring fairness and transparency. It aims to provide equal opportunity for all potential suppliers, encouraging competition and allowing the contracting authority to select the best value offer based on predetermined criteria. This process typically includes clear specifications, public advertisement of the opportunity, and an impartial evaluation of all submitted bids. The goal is to achieve the best possible outcome for the SCMPO while maintaining integrity and accountability in the procurement process.

- a. In addition to public advertisement (newspaper, website) accessible to all potential bidders, the SCMPO will maintain a vendor, bidder, consultant contact list, and contacts on that list will receive communications and information about all competitive SCMPO procurements.

- b. SCMPO staff may discuss the project goals and expectations prior to the release date and may notify the MPO's consultant list prior to a competitive procurement release date.
- c. Prior to the hard release date, the SCMPO will host a 30-day advanced announcement in person or virtually, and a reminder on the actual release date to the following SCMPO channels:
 - a. The website (www.SCMPO.org);
 - 1. The latest consultant contact list;
 - 2. The Policy and Technical committees (Executive Board and TAC);
 - 3. (If required by RFP, RFQ or Special Purchase) public notice in the local newspaper, per Public Involvement Plan policies;
- d. Between a competitive procurement's release date and the questions due date, Proposal Review Panel Members, SCMPO staff (other than the project manager), SCMPO TAC, and Executive Board Members (other than purchasing agents) are prohibited from communicating with prospective bidders about the open procurement. All communications during this period will be summarized in the official questions and answers document. No communication about the procurement is allowed between the questions' due date and the procurement due date.
- e. After the due date and until a consultant is officially selected, communications with bidders about the procurement will be managed by the SCMPO project manager and purchasing agents.
- f. The SCMPO will generally utilize electronic communication means with vendors, bidders, and consultants to satisfy statutory communications requirements (not including mandatory public notice).

C. Sun Corridor MPO Staff Responsibilities

1. Purchasing Agents

- a. The SCMPO Executive Director (pending procurement thresholds) and the SCMPO Executive Board Chair (or their delegated assignees) are the designated purchasing agents for the SCMPO, duly authorized and empowered by law and entrusted with the authority to make purchases of services, materials, equipment, goods, and supplies, or leases of equipment. The SCMPO's purchasing agents are authorized to act as agents in the administration of purchasing duties and to make certain determinations about how the SCMPO will comply with purchasing responsibilities, and when procurements will be initiated.
- b. SCMPO purchasing agents will avoid the acquisition of unnecessary or duplicative items. Consideration will be given to consolidating to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. *(2 CFR 200.318)*
- c. SCMPO procurement agents are authorized to deem responses as qualified or unqualified based on the evaluation criteria in the procurement.

2. Conflict of Interest, Gifts

- a. No SCMPO employee will participate in the selection, award, or administration of a contract supported by a federal award if he/she/they have a real or apparent conflict of interest. Such a conflict arises when the employee or any member of their immediate family, his/her/their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. *(2 CFR 200.112)*
- b. Employees of the SCMPO will not solicit nor accept gratuities, favors, or anything of monetary value from consultants or parties to subcontracts. *(2 CFR 200.112)*

3. Anti-Lobbying

- a. The SCMPO will comply with the Byrd Anti-Lobbying Amendment in the use of federal funds; The SCMPO will not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, any member of Congress in connection with obtaining any Federal contract, grant, or any other award. In the event such lobbying does occur, Standard Form LLL must be completed and submitted to the funding agency(ies).

4. Travel

- a. All travel for the SCMPO will comply with the SCMPO Executive Board adopted policies for Travel. The SCMPO may not request reimbursement for costs not permissible under SCMPO and federal policies.
- b. All travel may be directly approved by the SCMPO Executive Director and or designee consistent with, and in support of, identified work tasks contained within the approved UPWP. The UPWP shall contain an estimated travel schedule for planned or anticipated out-of-state travel. Expenses will be reimbursable per the approved SCMPO travel policy.
- c. Travel costs paid to vendors or other non-ADOT-employees must always be supported by appropriate documentation. Travel must be in accordance with the SCMPO travel policy.
- d. The SCMPO Executive Director or designee may approve lawful and justifiable travel requests submitted by the SCMPO's staff or travelers subject to the availability of funds when such travel furthers the interests of the MPO and the purposes of the Agreement.

2. Procurement Methods

Choosing the proper procurement method typically involves examining a combination of factors, including what is being procured (e.g., good or service, type of service, type of project, etc.), the appropriate basis for selection (e.g., Informal or Formal procurement methods), and the anticipated cost of the good or service (procurement thresholds). A purchasing agent will approve the method of procurement prior to staff drafting a request. Regardless of procurement thresholds, any acquisition of SCMPO supplies or services exceeding \$15,000 are required to be approved before the acquisition/expenditure and must be listed in the SCMPO budget, the SCMPO Work Program under the appropriate Task, and approved by SCMPO purchasing agents, the ADOT Multimodal Planning Division (MPD), and FHWA/FTA. The SCMPO will use the below criteria in conjunction with the attached “Exhibit A – SCMPO Procurement Methods at a Glance” & “Exhibit B – ADOT Procurement Checklists” to determine which procurement method is most appropriate and to assure federal compliance.

A. Informal Procurement

When the value of the procurement for property or services under a federal award does not exceed the [Simplified Acquisition Threshold \(SAT\) of \\$350,000](#), as defined in 2 CFR 200.1 and 2 CFR 200.320, or a lower threshold, formal procurement methods are not required. The SCMPO may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost (2 CFR §200.320 (a)). The informal methods used for procurement of property or services at or below the Simplified Acquisition include:

1. Micro-Purchases

- a. The aggregate dollar amount for acquisition of SCMPO supplies, assets, software, or services that do not exceed the threshold of **\$15,000** is considered a Micro-Purchase (200.1 = FAR 48 CFR 2.1) with the exception of the following:
 1. $\geq \$2,000$ - Construction subject to 40 USC Chapter 31 IV Wage Requirements (Construction)
 2. $\geq \$2,500$ - Services subject to 41 USC Chapter 67, Service Contract Labor Standards
- b. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the SCMPO considers the price reasonable based on research, experience, purchase history, or other information and documents in the SCMPO records accordingly (2 CFR 200.320 (a) (1)).
- c. Purchase can be made from a contractor successfully used in the past, with reasonable pricing.
- d. Micro-purchases will be equitably distributed among qualified suppliers to the maximum extent practicable, provided pricing is reasonable.

2. Small-Purchases (Simplified Acquisition)

- a. The aggregate dollar amount for acquisition of SCMPO supplies, assets, software, or services greater than the micro-purchase threshold (\$15,000) but does not exceed the Simplified Acquisition Threshold of \$350,000 is considered a Small-Purchase. If small purchase procedures are used, price or rate quotations **MUST** be obtained from an adequate number of qualified sources as determined appropriate by the SCMPO (2 CFR 200.320 (a) (2)).
- b. The SCMPO may purchase supplies, assets, software, or services under this section by requesting quotes from at least three (3) qualified vendors, suppliers, and/or consultants (Three Quote Method). At least two quotes must be received to not be considered a sole-source procurement. If only one (1) quote is received, the SCMPO will document how sufficient competition was attempted. When practical, the SCMPO will utilize the attached three-quote/small-purchase template (Exhibit D of this policy) when requesting price or rate quotations from vendors, suppliers, and or consultants.
- c. Quotes for “Small-Purchase” supplies or services may be obtained prior to Work Program approval. However, the Work Program must be approved before any acquisitions/contract negotiations.

B. Formal Procurement

Formal procurement methods are required when the procurement value for property or services under a Federal financial assistance award exceeds the Simplified Acquisition Threshold (SAT) of \$350,000. Formal procurement methods require following documented procedures (outlined in section 3 of this policy) and require public advertising unless a non-competitive procurement can be used (e.g., Sole Source). The SCMPO will adhere to the following formal method for procurement of property or services above the simplified acquisition threshold:

1. Proposals

- a. Proposals - a procurement method in which either a fixed price or cost-reimbursement type contract is awarded (*2 CFR 200.320 (b) (2)*).
- b. Requests for Proposals (RFP's) must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical (*2 CFR 200.320 (b) (2) (i)*). However, the release of an RFP is not a commitment to initiate a contract, and the SCMPO may opt not to proceed at any time. Responding vendors will be notified promptly when there is a delay in selection.
- c. The SCMPO must have a written method for conducting technical evaluations of the proposals received and making selections (*2 CFR 200.320 (b) (2) (ii)*). Evaluation methods are outlined in Section 3 and attached in Exhibit C of this policy.
- d. Contracts must be awarded to the responsive offeror whose proposal is most advantageous to the SCMPO, with price and other factors considered (RFP evaluation criteria) (*2 CFR 200.320 (b) (2) (iii)*).
- e. The RFP will include a clear and accurate description of the Technical Requirements (Scope) for the product or service being procured.
- f. RFPs will be publicized as described in the Communication with Vendors on Competitive Procurements section 1-B of the policy. The SCMPO will also give public notice of all RFPs, as described in the SCMPO's Public Participation Plan.
- g. The SCMPO will list all factors or criteria that will be used in evaluating the responses and a statement concerning the relative importance of price and the other evaluation factors in the RFP. (*2 CFR 200.319 (c)*).
- h. The SCMPO may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected (i.e., Request for Qualifications -RFQ), subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used in the procurement of A/E professional services or certain other services specifically related to Real Property. It cannot be used to purchase other types of services even if A/E firms are a potential source to perform the proposed effort.

C. Non-Competitive Procurement / Special Purchase

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the specific circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (2 CFR 200.320 (c) (1))
2. The item is available only from a single source (2 CFR 200.320 (c) (2))
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation (2 CFR 200.320 (c) (3))
4. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the SCMPO, (2 CFR 200.320 (c) (4))
5. After solicitation of a number of sources, competition is determined inadequate. i.e., if the SCMPO solicits a list of 3-10 suppliers and only receives one (1) proposal (less than two) in response or, receive notification that the solicited firm/s decline to submit (2 CFR 200.320 (c) (5)) *that is considered inadequate and must be documented.*

3. Procurement Components and Procedures

A. Specific Processes

1. Technical Requirements - Project Scoping

- a. The SCMPO will incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must provide minimum essential characteristics and standards to which the property, equipment, or service must conform. Detailed product specifications should be avoided if possible. When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a “brand name or equivalent” description of features may be used to provide procurement requirements. The specific features of the named brand must be clearly stated; and (d) (3) Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals. (2 CFR 200.319 (d) (2)).
- b. Such description will not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
- c. Conditions that unduly restrict competition include:
 - a. Unreasonable requirements on firms in order for them to qualify to do business
 - b. Unnecessary experience and excessive bonding
 - c. Noncompetitive pricing practices between firms or between affiliated companies
 - d. Noncompetitive contracts to consultants that are on retainer contracts
 - e. Organizational conflicts of interest
 - f. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement
 - g. Any arbitrary action in the procurement process.
- d. All requirements expected to be fulfilled, and all other factors being considered must be identified. (2 CFR 200.319 (C))
- e. The SCMPO will follow scoping guidance per step one of ADOT’s “Standard Work for Subrecipient Procurements” (Exhibit B of this policy).

2. Procurement Schedule, & Questions Deadlines

- a. Competitive procurements (RFP's) will include a schedule that includes the following:
 1. Proposal submittal deadline *(Except in the case of an emergency procurement, and except for Micro Purchases, FHWA funded procurements require a minimum 21 calendar days between posting and submittal deadlines while FTA funded procurements require a minimum of 28 days)*
 2. Questions Deadline
 3. Question response deadline
 4. Proposal review and ranking by the selection committee
 5. Potential interview dates, and
 6. The selection date – notification to the top firm to begin the contract/negotiation process.
- b. In general, the SCMPO will strive for the following schedule (template) when announcing competitive procurements (RFPs):

Sun Corridor MPO – Request for Proposals (RFP) Timeline	
Due Dates:	Description:
Month, Day, Year	Executive Board Meeting - Approval <i>(Executive Board approval to advertise the RFP, authority for Selection Committee and SCMPO Executive Director to select the top candidate and authority for SCMPO Executive Director and Executive Board Chair (SCMPO Purchasing Agent) to Award Contract (Notice to Proceed and Professional Service Agreement).</i>
Month, Day, Year	1st Preliminary Notice <i>(30 calendar days before official advertisement date)</i>
Month, Day, Year	Official Procurement/Advertisement Date
Month, Day, Year	Questions Deadline <i>(10 business days prior to the proposal submittal date, consultants to submit all questions regarding the RFP to the SCMPO)</i>
Month, Day, Year	Questions Response <i>(no later than 5 business days after consultant questions deadline, the SCMPO will respond, in writing (and posted to the SCMPO website), to all questions regarding the RFP)</i>
Month, Day, Year	Proposal Submittal Deadline <i>(While not required, and in order to ensure comprehensive responses, the SCMPO will typically set a 45-60 day timeframe in which bidders have to respond to RFP)</i>
Month, Day, Year	Proposal Ranking <i>(Each proposal will be reviewed & ranked/scored by selection committee members per the RFP evaluation criteria.)</i>
Month, Day, Year	Interviews – If Necessary <i>(Interviews may be scheduled if needed, Interviews will be conducted per the RFP interview evaluation criteria. Locations for Interviews may be conducted in-person or virtually pending availability and or other factors.</i>
Month, Day, Year	Award Letter to Top Firm <i>Notify the top-ranked firm/selected bidder within 5 business days of the last interview or proposal ranking of the selection committee's final decision. Also notify and offer debrief to the firm/s NOT selected for the project.</i>
Month, Day, Year	Professional Service Agreement – Contract & Negotiations. <i>(Once a top firm has been selected, the SCMPO and that Consulting firm will finalize the Professional Service Agreement (Contract) and make any necessary revisions to the Scope of Work (Budget, Tasks, and or Timeline).</i>
Month, Day, Year	Notice to Proceed Top Firm <i>Upon execution of the Professional Services Agreement, SCMPO will notify in writing the top-ranked firm to proceed with work.</i>

3. Selection Committee

- a. The SCMPO Executive Director or SCMPO staff will form a selection committee for competitive procurements. Notwithstanding any Conflicts of Interest, the SCMPO Executive Director or SCMPO staff will work with the Technical Advisory Committee (TAC) or member agency to identify and recruit selection committee members . A minimum of three selection committee members (including the SCMPO Executive Director or SCMPO staff) is required for SCMPO competitive procurements.
 - i. All committee members will be required to sign a confidentiality form agreeing not to discuss the SCMPO procurement during the advertising process and will direct all questions and or inquiries directly to the SCMPO Executive Director or SCMPO staff.
- b. In addition to the Executive Director, selection committees may include procurement agents and voting members of the SCMPO TAC and Executive Board (i.e., member public agencies – city, town, and or county), and in some cases, employees of private or non-profit organizations (i.e., a local economic development office, a non- bidding technical expert, a professional organization, and a representative from an underrepresented group).
- c. Selection committee meetings may take place in person, on the phone, or virtually. Correspondence outside of committee meetings will mainly be handled via email (i.e., distribution of materials/proposals from the SCMPO Executive Director or SCMPO staff to committee members for initial review).
- d. Selection committee members who cannot attend interviews may be removed from the selection committee, and their scores may be discarded; Scores may be combined by reviewers for selection ranking purposes if determined in advance.

4. Interviews

- a. The SCMPO may utilize interviews to learn more about submission or to differentiate between high-quality offers. The Selection Committee will work together after scoring/ranking each proposal to determine whether interviews are necessary.
- b. Interviews may be conducted in person, on the phone, or virtually. If any offeror is granted an in-person interview, the same opportunity must be made available to every short-list offeror.
- c. Interview dates will be included in the initial procurement. After the initial round of scoring all proposals, the Selection Committee will determine whether there is a need to proceed with interviews and which offerors to invite.

5. Negotiations & Award Notifications

- a. Once the Selection Committee has agreed upon the top candidate and made a final selection, the SCMPO Executive Director or SCMPO staff will send the firm an award letter and begin the negotiations and contracting process (Professional Service Agreement). Once a final contract price and schedule have been negotiated, the SCMPO Executive Director will issue a “Notice to Proceed” letter to said candidate/offeror and begin the project. If negotiations are unsuccessful, the SCMPO Executive Director will terminate negotiation efforts and open negotiations with the 2nd ranked firm. This process will continue until negotiations are successful. The shortlist will remain in effect for a period of twelve (12) months from the date of issuance by SCMPO.

6. Sub-Consultants

- a. The SCMPO encourages a diverse team of professionals. Various arrangements will be acceptable to the SCMPO; the SCMPO could contract directly with multiple vendors, or one vendor may serve as the prime consultant with subconsultants.
- b. Subcontract agreements are between the prime and the subconsultant. The SCMPO will not be a party to subcontract agreements but maintains oversight of the funds and is required to review prime/subcontractor contracts to assure federal terms and conditions are included. Subcontracts will be required to be uploaded in the LPA DBE System for federally funded projects and will be monitored for prompt payment.
- c. All subconsultants will need to be identified in the procurement proposal or bid. If, for any reason, a subconsultant needs to be added after the original contract has been signed; the SCMPO Executive Director and the prime may amend the contract (renegotiate) to add the subconsultant to the project.
 1. Prime's who utilize subconsultants in response to SCMPO procurements will be required to adhere to the following Prompt Payment terms and conditions:
 - i. *Pursuant to 49 CFR 26.29, Contractors must pay Subcontractors for satisfactory performance (i.e., all the tasks called for in the subcontract for the invoicing period have been accomplished and documented as required by the Issuer, and any deliverables are approved by the relevant approver no later than 7 days from receipt of each payment the SCMPO makes to the Contractor. The prompt payment provision applies to Subcontractors at all tiers. This applies to all Subcontractors, not just DBEs.*
 - ii. *In the event, the Contractor fails to invoice SCMPO according to its scheduled invoicing activities, and in any case, where a Contractor's invoice has been rejected through no fault of the sub-contractor's performance, the Contractor shall pay each Subcontractor for satisfactory work completed in no more than 30 calendar days from receipt of an invoice for that work.*
 - iii. *For all projects that include a DBE Goal, completion of the final certification of payments form must be collected and submitted.*
 - iv. Contractors are also required to add the DBE language from Section 12.0, items 24 et al from the State of Arizona Grant Agreement for the SCMPO Work Program in every subcontract for work funded through ADOT.

B. Documentation and Public Disclosure

1. Basic Procurement Documentation

- a. The SCMPO will maintain records sufficient to detail the history of procurement, per this policy, and in guidance from "Exhibit B – ADOT Procurement Checklists & Forms." These records will include, at minimum, the rationale for the method of procurement, selection of contract type, consultant selection or rejection, and the basis for the contract price. (2 CFR 200.318 (i))

2. Special Purchase Documentation

- a. The SCMPO will maintain the contract records for a special purchase (sole source) in a file, sorted by year, for no less than five years.
- b. The SCMPO will include a written determination for the following:
 1. The special purchase;
 2. The basis for selecting a particular consultant;
 3. Each consultant's name;
 4. The amount and type of each contract; and
 5. A description of the supplies purchased under each contract.
- c. The contract records for all projects and special purchases are subject to audit by the state and federal agencies.

3. Register of Proposals

- a. For every Request for Proposals (RFP), a Register of Proposals (i.e., list of offerors) will be prepared and made available for public inspection upon request after the contract is awarded. The Register of Proposals will include the following:
 1. A copy of the RFP;
 2. A list of all persons to whom copies of the request for proposals were given (the vendor contact list, and all posting locations);
 3. A list of all proposals received which must include all of the following:
 - i. The names and addresses of all respondents;
 - ii. The dollar amount of each offer; and
 - iii. The name of the chosen consultant and the dollar amount of the contract
 4. The basis on which the award was made.

4. Public Disclosures

- a. The **Register of Proposals** and **Special Purchase Records** will be available upon request for public, state, or federal oversight agency review for up to 5 years after the selection.
- b. The SCMPO will make all procurement documents available for review upon request when:
 1. The SCMPO procurement procedures or operation fails to comply with 2 CFR 200.318 - 327. procurement standards, as determined by the Federal Highway Administration (FHWA);
 2. The procurement is expected to exceed the \$350,000 and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 3. The procurement, which is expected to exceed the \$350,000, specifies a "brand name" product
 4. The full procurement record including determinations and evaluation will be available for audit by ADOT or the federal funding agency.

C. Protests, Disputes, and Claims

1. Protests

- a. After the selection committee makes their final determination of a top firm, any actual or prospective consultant(s) who is aggrieved in connection with the pending award of the contract or any element of the process leading to the award of the contract may protest to the SCMPO Executive Director. A protest is a written statement that concerns any unresolved issues arising out of the procurement process with the SCMPO. The filing shall be considered complete when the protest is received by the Executive Director
- b. In the event of a timely protest (within 10 business days after the announcement of the award), the Executive Director shall stay the award of contract, unless, after consulting with the SCMPO statutory agent (Sun Corridor MPO attorney), the Executive Director determines that the award of the contract without delay is necessary to protect substantial interests of the SCMPO.
- c. The Executive Director has the authority to review, settle, and resolve the protest.
- d. If the Executive Director determines that the pending award of a contract or any element of the process leading to the award involved a significant violation of law or applicable rule or regulation, all steps necessary and proper to correct the violation shall be taken. If the protest is determined to be without merit, the Executive Director shall promptly issue a decision in writing stating the reason for the decision and furnish a copy to the protestor and any other interested party, and the process leading to the award shall proceed forthwith,
- e. A protestor must exhaust all administrative remedies with the SCMPO and the grantee before pursuing a protest with the applicable State or Federal agency

2. Disputes

- a. Disputes are official complaints to resolve disagreements between the SCMPO and a selected vendor. Only a consultant, as a party to a contract with federal funding, is allowed to file a dispute claim. Subconsultants may not file disputes.
- b. A dispute may be initiated by either the consultant or the SCMPO by notifying the other party in writing and stating specifically the nature of the dispute.
- c. In the event of a dispute, the consultant shall provide the SCMPO material and information as the SCMPO may reasonably acquire to resolve the dispute.
- d. Within 45 days of receiving final notice, an SCMPO Executive Director will review and respond to the complaint.
- e. A decision is not considered final until it is communicated in writing from the SCMPO Executive Director to the consultant. The final decision shall be communicated to the consultant within 5 business days after such a decision.
- f. A dispute must exhaust all administrative remedies with the SCMPO and the grantee before pursuing a protest with the applicable State or Federal agency.

3. Claims

- a. A claim is a written assertion by one of the contracting parties seeking the payment of money, the adjustment or interpretation of contract terms, or other relief arising under or relating to the SCMPO contract. A regular invoice is not a claim but may be converted to a claim by written notice to the SCMPO.
- b. Any claim associated with a dispute or protest must be submitted to the SCMPO in writing. Once a claim has been received, the SCMPO will review and respond within 45 days of the official receipt of the claim.

4. Project Award & Contracting

A. Registration

1. Vendor Verification

- a. The SCMPO will award contracts only to responsible consultants possessing the ability to perform successfully under the terms and conditions of the proposed procurement.
- b. Vendors must be registered with the State of Arizona (AZUTRACS/DOORS/LPA DBE System) in order to be awarded a contract.
- c. Vendor registration will be verified during the contracting process. The SCMPO may not authorize a contract with a vendor until the vendor's State registration is verified by SCMPO staff.
 1. In order for vendors to be considered verified for Sun Corridor MPO processes, vendors must provide a W-9;
 2. In order for vendors to be considered verified for State/ADOT processes, vendors must provide proof of registration in ADOT's AZUTRACS/DOORS/DBE System during the procurement process.

2. Debarment

- a. A contract award will not be made to parties listed on the government-wide exclusions list in the System for Award Management - <https://sam.gov/content/exclusions> (2 CFR 200.213).

B. Professional Service Agreement

1. Insurance Requirements

- a. Vendors must maintain business insurance that meets or exceeds the limits listed in the SCMPO's standard Professional Service Agreement (contract). See attached "**Exhibit F – Professional Service Agreement (PSA).**"
- b. Requested exceptions may be granted by the Executive Director and approved by ADOT Safety and Risk Management on a case-by-case basis if specific contract or vendor conditions warrant special consideration.

2. Term of Selection, Renewals

- a. Competitive procurements are valid for three (3) calendar years from the request's issuance date. Unless a special purchase condition applies, the SCMPO must re-compete the work when the three-year term is up.
- b. The SCMPO may amend contracts with selected vendors, revise scope and completion date, and initiate additional phases of work with the selected vendor if the need arises.
- c. The SCMPO will not automatically renew contracts, nor will it accept contracts without an expiration date, and additional terms awarded will not exceed the original contract term. (2 CFR Appendix II to Part 200)

3. Contract Cost and Price

- a. The SCMPO will perform a cost (RFQ) or price (RFP) analysis in connection with every procurement action greater than \$350,000.
- b. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred, or cost estimates included in negotiated prices would be allowable for the SCMPO under Cost Principles in United States code.
- c. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used. (2 CFR 200.323)

4. Contract Types

- a. The SCMPO will use a "**Time and Materials – Not to Exceed Price**" type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the consultant exceeds at its own risk. Time and materials type contract means a contract whose cost to the SCMPO is the sum of: (1) the actual cost of materials; and (2) direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
- b. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the consultant for cost control or labor efficiency. Therefore, each contract must have a set ceiling price that the consultant exceeds at its own risk. Further, the SCMPO will assert a high degree of oversight in order to obtain reasonable assurance that the consultant is using efficient methods and effective cost controls. (2 CFR 200.318)
- c. All other contractual requirements are specified in the SCMPO's standard Professional Service Agreement (contract). See attached "**Exhibit F – Professional Service Agreement (PSA).**"

C. Required Contract Provisions

- a. All contracts shall specify a term for the agreement. The term is the length of time within which services shall be performed, specifying a termination date for the agreement, or specifying a time frame in terms of months or years.
- b. Contracts may not automatically renew at the end of a term, and contracts without an expiration date are not accepted. The length of an additional term in a contract may not exceed the length of the original contract term. Contracts may be renewed, or amended, up to four years, not to exceed a maximum of 5 years with the same firm before needing to return to bid.
- c. SCMPO contracts using federal funds are subject to Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. In addition to the required provisions, all contracts made by the SCMPO under the Federal award must contain provisions covering the following, as applicable:
 1. All contracts in excess of \$15,000 (Micro-Purchase Threshold) will address termination for cause and for convenience by the SCMPO, including the manner by which it will be impacted and the basis for settlement.
 2. Contracts for more than \$350,000 (Simplified Acquisitions Threshold) must address administrative, contractual, or legal remedies in instances where consultants violate or breach contract terms and provide for such sanctions and penalties as appropriate.
- d. The SCMPO will include all terms and conditions specifically outlined in the RFP Appendix C – Mandatory Terms, Conditions, and Requirements for use of federal US DOT funding through ADOT MPD and ***“Exhibit E - Scope Requirements”*** of the procurement policy when developing contracts, agreements, and or a project scope of work.

5. Project Administration Checklist

The following checklist should be utilized (and signed by the SCMPO Executive Director) to assure all SCMPO projects are administered in a manner that meets State and Federal compliance standards:

Sun Corridor MPO – Project Administration Checklist	
Must Complete:	Description:
<input type="checkbox"/>	<p>Create Project Folder Create an electronic project folder using the template located on the network drive. The electronic project folder will mimic the hard-copy folder structure for archival purposes.</p>
<input type="checkbox"/>	<p>Scope the Project Work with the TAC or member agency to build the scope of work (Public involvement, technical requirements, schedule, and cost estimate) for the project. Follow guidance provided in ADOT’s Standard Work form (Exhibit B of this policy). When taking the project to the Executive Board for approval, simultaneously seek approval to advertise the project, to select a consultant/top firm, and to negotiate and award a contract to the top firm.</p>
<input type="checkbox"/>	<p>Secure Project Funding Once the preliminary scope and budget have been established, the SCMPO will need to secure funding for the project. Funding may come from one of several funding sources such as formula (STBG, PL, SPR, 5305, etc.) and/or discretionary (HSIP, other grant programs, etc.) funds.</p> <ul style="list-style-type: none"> <input type="checkbox"/> All projects will need to be programmed into the TIP or the UPWP – Approved by TAC and Executive Board. <input type="checkbox"/> If pursuing grant funds to administer a planning project (i.e., TA/HSIP funds), the grant award or eligibility letter must be received in order for the project to proceed. <input type="checkbox"/> Regardless of formula or discretionary funds, the SCMPO must submit funding authorization request letters to ADOT to secure the funding (i.e., ADOT & FHWA authorizes the funding). Funding request letters are typically sent to ADOT at the beginning of a two-year work program or the start of a new fiscal year but may require submittal on an irregular timeline based on when the project is awarded.
<input type="checkbox"/>	<p>Complete ADOT Procurement Checklist Prior to submitting the scope to ADOT for approval, the SCMPO must fill out the following ADOT checklists and forms (located in Exhibit B of this policy) and archive them in the project folder.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Subrecipient or Contractor Determinations <input type="checkbox"/> Determining Method (Thresholds) <input type="checkbox"/> Standard Work for Procurements <input type="checkbox"/> Subrecipient Procurement Requirements <input type="checkbox"/> Scope Requirements for Subrecipients
<input type="checkbox"/>	<p>ADOT Scope Approval Submit the Scope of Work to ADOT Multi-Modal Planning Department (MPD) Regional Planner for review and approval per the “Standard Work” form (Exhibit B of this procurement policy).</p>
<input type="checkbox"/>	<p>TIP and UPWP Amendments (If Necessary) Once ADOT has reviewed the scope of work, revisions may be necessary and additional TIP and or UPWP amendments may be required. All TIP and UPWP amendments should be completed before the RFP is advertised.</p>
<input type="checkbox"/>	<p>DBE Setup – Project Number & Goal Request Once the scope has been approved by ADOT and any necessary TIP/UPWP revisions made, request a DBE Project Number and DBE Goal per sections 7 and 8 of ADOT’s “Standard Work” form (Exhibit B of this procurement policy). The DBE project number and goal must be included in the RFP solicitation packet for bidder’s/vendors reference for access to ADOT’s online DOORS/UTRACS/LPA/DBE contract reporting system.</p>

<input type="checkbox"/>	<p>Draft Request for Proposals (RFP) Once the scope and DBE setup are complete, draft the RFP using the SCMPO standard template (Exhibit C of this procurement policy). At a minimum, the RFP packet should contain the following sections:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 1. Notification – including CFDA #'s and DBE/ADOT Project Number. <input type="checkbox"/> 2. Introduction/MPO Background Information <input type="checkbox"/> 3. Project Description <input type="checkbox"/> 4. Scope of Work – with clearly defined tasks and deliverables. <input type="checkbox"/> 5. DBE Goal – Commitment & Documentation <input type="checkbox"/> 6. Compensation <input type="checkbox"/> 7. RFP Submittal Guidelines <input type="checkbox"/> 8. Proposal Content <input type="checkbox"/> 9. General Provisions <input type="checkbox"/> 10. Proposal Evaluation Criteria <input type="checkbox"/> 11. Interview Evaluation Criteria <input type="checkbox"/> 12. Procurement timeline <input type="checkbox"/> 13. Questions concerning the RFP <input type="checkbox"/> 14. Additional Terms and Conditions <input type="checkbox"/> 15. Third Party Agreements <input type="checkbox"/> 16. Certification Forms <input type="checkbox"/> 17. Contractor Demographics Profile Request Form <input type="checkbox"/> Appendix A – Professional Services DBE Provisions <input type="checkbox"/> Appendix B – Prompt Pay & Payment Reporting Provisions <input type="checkbox"/> Appendix C – ADOT MPD Mandatory Terms, Conditions, and Requirements
<input type="checkbox"/>	<p>Advertise the Project Once the SCMPO Executive Board has approved the project for advertisement, ADOT approves the scope, the DBE setup is complete, and the RFP is drafted, follow the RFP Procurement Schedule outlined in section 3 (A) of this policy to advertise the project. In addition, a Register of Proposals (consultant contact list) will be created per section 3 (B) of the policy.</p>
<input type="checkbox"/>	<p>Award Letter SCMPO will issue an award letter to the top-ranked firm/consultant within five business days following the selection committee’s determination of the selected firm.</p>
<input type="checkbox"/>	<p>Professional Service Agreement (Contract) Once a top firm/consultant has been selected, draft a Professional Service Agreement per the SCMPO template (Exhibit F of this procurement policy).</p>
<input type="checkbox"/>	<p>Sun Corridor MPO Vendor Registration Once a contract has been established, the SCMPO will need to work with the SCMPO Fiscal Agent to input the Consulting firm into the financial system for project billing/invoicing purposes. The Consultant must submit a W-9 to SCMPO if the W-9 on file with the SCMPO Fiscal Agent is more than two years old.</p>
<input type="checkbox"/>	<p>Notice to Proceed Once the final contract has been signed by the SCMPO purchasing agents (SCMPO Executive Director, SCMPO Executive Board Chair, SCMPO Statutory agent/attorney), send a Notice to Proceed letter to the consultant indicating the project can officially begin.</p>
<input type="checkbox"/>	<p>Monitor the Project Track in-kind, ensure progress reports are being provided, reimburse E-Grants as necessary, and input the award and monthly payment info into the DOORS/UTRACS/DBE System monthly.</p>
<input type="checkbox"/>	<p>Project Close-Out Once the final deliverables are received for the project, begin close-out procedures. Make sure the following is complete:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Request a close-out letter from the Consultant stating that all payments have been received and the project can proceed to close-out. <input type="checkbox"/> DBE Close-Out forms are filled out by all parties if necessary make sure to get a copy returned with the ADOT regional planner's signature. <input type="checkbox"/> Submit final reimbursement request in E-Grants – mark the project complete <input type="checkbox"/> Close-out the project in the DOORS/UTRACS/DBE system – upload DBE forms

	<input type="checkbox"/> Sign and submit the ADOT close-out letter (Use the same form as the ADOT UPWP close-out form) and
--	--

Exhibit A - SCMPO Procurement Methods at a Glance

All completed purchase orders must have signatory approval by the Executive Director; and/or SCMPO Purchasing Agent. The following table summarizes the required SCMPO procurement approval levels, solicitations, and documentation:

Purchase Thresholds	Required Approvals	Required Solicitation	Required Documentation
<p>Micro-Purchase: ≤ \$15,000 (Informal) 2 CFR200.320 (a) (1)</p>	<ul style="list-style-type: none"> Executive Director 	<ul style="list-style-type: none"> Price must be considered reasonable based on research, experience, purchase history, or other information Purchase can be made from a contractor successfully used in the past, with reasonable pricing To the maximum extent practicable, micro-purchases will be equitably distributed among qualified suppliers, provided pricing is reasonable. <ul style="list-style-type: none"> ≥ \$2,000 for procurements subject to prevailing wage law (Davis- Bacon) ≥ \$2,500 for acquisition of services subject to 41 U.S.C. chapter 67, Service Contract Labor Standards 	<ol style="list-style-type: none"> Receipt or invoice approved by individual(s) in Required Approvals column. P-Card purchases approved through Sun Corridor MPO Fiscal Agent financial system. For construction projects only - any documentation required to comply with the Davis-Bacon Act. For equipment purchases only – copy of fund source approval, if applicable

<p>Simplified Acquisition \$15,001 ≤ \$349,999 (Informal) 2 CFR 200.320 (a) (2)</p>	<ul style="list-style-type: none"> • Executive Director • SCMPO Executive Board via the approved UPWP (work Program) • ADOT MPD 	<ul style="list-style-type: none"> • 3 quotes (catalog, internet, written, email, etc.) • Or select a contractor from pre-qualified contractor list • > \$15,000 – Any procurement over the \$15k will need to be approved in the UPWP (Work Program) in advance by ADOT MPD and the SCMPO Executive Board . 	<ol style="list-style-type: none"> 1. Requisition - Identify how the decision was made 2. Purchase Order – Finance System 3. Documentation of quotes obtained and attached/uploaded 4. For construction projects only - any documentation required to comply with the Davis-Bacon Act 5. For equipment purchases only - a copy of fund source approval; if applicable
<p>Proposals (RFP/RFQ) ≥ \$350,000 (Formal Solicitations) 2 CFR 200.320 (b) (2)</p>	<ul style="list-style-type: none"> • Executive Director • SCMPO Executive Board via the approved UPWP (work program) • ADOT MPD 	<ul style="list-style-type: none"> • 3 written bids/proposals (Request for Qualifications or Request for Proposals) 	<ol style="list-style-type: none"> 1. Copy of RFQ or RFP 2. Proposal scoring sheets, including who participated in the scoring 3. Proposal and contract of winning bidder/proposer 4. For construction projects only – any documentation required to comply with the Davis-Bacon Act 5. For equipment purchases only - a copy of fund source, if applicable

When a purchase is \$15,000 or more per item, the Executive Director is required to review the requisition and ensure that funds are available in the budget for that program year prior to issuing a purchase order and/or approving the expenditure (P-Card). If funds are not available, the Executive Director will not authorize the requisition/purchase.

All contracts must be reviewed and deemed acceptable by the Executive Director. All professional service/consulting projects will be included in the SCMPO Executive Board adopted Unified Planning Work Program (UPWP). In addition, SCMPO staff will include status updates for all professional service/consulting projects in the Executive Director’s report and present these to the Executive Board for discussion at their regularly scheduled meetings. These policies also apply to renewals of existing contracts.

Exhibit B – ADOT Procurement Checklists & Forms

ADOT Standard Work for Subrecipient Procurements can be accessed at: [Subrecipient Procurement Standard Work](#). ADOT Subrecipient Procurement Compliance Checklist can be accessed at: [Subrecipient Procurement Compliance Checklist - Google Drive](#). The following are ADOT Checklists and Forms that SCMPO will fill out, adhere to, and archive for each requisition over the “Micro-Purchase” threshold:

1. Subrecipient or Contractor Determinations
2. Determining Method (Thresholds)
3. Standard Work for Subrecipient (SCMPO) Procurements
4. Subrecipient (SCMPO) Procurement Requirements
5. Scope Requirements for Subrecipients (SCMPO)

Exhibit C - Request for Proposals (RFP)/Request for Qualification (RFP) Templates (Formal Solicitation Packet)

Exhibit D - Three Quote Procurement Template (Informal Solicitation Packet)

The Three Quote Procurement Template steps will include, but are not limited to:

- Identification of Scope of Work
- Review and confirmation that the project is appropriate for a three-quote procurement activity e.g. under the regulatory thresholds
- Request project setup in AZUTRACS
- Obtain, if required, a DBE goal for project
- Determine selection criteria for internal review, determine if any other members should assist with selection e.g. from the TAC
- Contact three or more consultant firms of good reputation that provide the services needed from ADOT, other COG/MPO and/or local agency On-Call or recent contract for similar work
- Assess interest and availability for desired work.
- Transmit scope of services seeking additional information on qualifications, recent similar work activities, cost proposal and a Bidder's List
- As appropriate for scope of services, review work examples submitted, reach out to references, potentially hold interviews with potential firms.
- Select based on best value to include value added services, considering schedule and costs
- Negotiate complete scope of work with selected consultant team
- Assure all required documents are on file prior to issuing a Notice to Proceed

Exhibit E – Scope Requirements

Scope Requirements for SubRecipient Procurement using federal US DOT funds through ADOT MPD	
<p><i>This page identifies elements / items to be added to scopes of work. The information indicates if it is Suggested, Mandatory, or if it may be excluded if irrelevant to the scope.</i></p>	
Mandatory	<p>DELIVERABLES / DISCLAIMER: To meet the requirements of 23 CFR 420.117(e), the Contractor and its Sub-Contractors shall include the following disclaimer in each deliverable.</p> <p><i>This report was funded in part through grants from the Federal Highway or Federal Transit Administration, U.S. Department of Transportation. The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data, and for the use or adaptation of previously published material, presented herein. The contents do not necessarily reflect the official views or policies of the Arizona Department of Transportation or the Federal Highway or Federal Transit Administration, U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation. Trade or manufacturers’ names that may appear herein are cited only because they are considered essential to the objectives of the report. The U.S. government and the State of Arizona do not endorse products or manufacturers.</i></p>
Mandatory if GIS data or services is included in the scope. Otherwise, it may be deleted.	<p>Geographical Information Systems (GIS) Data: GIS data used during the Study will be provided in the electronic Study close-out file via Compact Disc (CD) or thumb drive. An additional copy should also be submitted to the Local Public Agency (LPA) or Tribal Government representative as applicable.</p> <p>Such data will be in the format of a geodatabase containing all spatial and related data used in the Study. The data will be in the coordinate system: NAD_1983_StatePlane_Arizona_Central_FIPS_0202_Feet_Intl for all geospatial data submitted. The GIS Attributes Table will use the exact format and field names as provided by the Arizona Department of Transportation, Multimodal Planning Division, GIS Team. Please do not alter the field names, order, or format at all so Department staff can easily consolidate all proposed projects derived from all planning studies completed. Please complete an attributes table for each proposed project recommended by the study. Each attributes table should be filled out according the Attributes Table Guidance and follow ATIS Nomenclature Standards. This information may be found at: https://azdot.gov/planning/transportation-studies.</p>
Mandatory if GIS data or services is included in the scope. Otherwise, it may be deleted.	<p>GIS Metadata Standards: GIS metadata helps to incorporate all known characteristics of a dataset so that those that are not familiar with the data can gain from its knowledge. GIS metadata should be delivered as an XML file. The metadata should include information on, but is not limited to the following:</p> <ul style="list-style-type: none"> • Data summary • Data description • Data credits (if from existing data what modifications were made?) • Data creation methods • Purpose for creating the data • Contact information for questions • Updates schedule • Data steward • Data extent (i.e. statewide, county wide, etc) • Data type (i.e. point, line, or polygon, raster, etc) • Limitations of the data • Scale range (if any) • Include any associated domain values • Tags (i.e. searchable words for this data)

Contractor Responsibility: Mandatory	Pursuant to 2 CFR §200.330, any contract awarded to accomplish this project establishes a Contractor relationship with the Department and shall not establish a Subrecipient relationship and the disbursement of Federal program funds casts the party receiving the funds in the role of a Contractor. This project is funded under CFDA 20.205 Highway Planning and Construction, FHWA 80%. All terms and conditions required for Contractors / SubContractors of federal recipients under this funding source and according to 2 CFR §200 et seq. shall apply.
Contractor Responsibility: Mandatory	In the event that this project is located within tribal land or includes tribal involvement as a stakeholder, ADOT-MPD and the Contractor must exercise tribal consultation and coordination protocol when providing related services. The purpose for this provision is to ensure compliance with "ADOT's Tribal Consultation Policy" and Arizona Revised Statute Section 41-2051, Subsection C - Responsibilities of state agencies located at: https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/02051.htm . An ADOT Tribal Transportation Consultation Online Training Course and Handbook are available to the Contractor and shall be reviewed upon selection. For an understanding of what that protocol entails, refer to Module 4 of the Course which is located on the Arizona Tribal Transportation website at: http://www.aztribaltransportation.org .
Contractor Responsibility: Mandatory	Federally funded Projects: Pursuant to 23 CFR 420.121, the Arizona Department of Transportation may copyright any books, publications, or other copyrightable materials developed in the course of the Project. The funding Federal agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.
Contractor Responsibility: Mandatory	This contract does not establish a sub-recipient relationship. Any awarded contract establishes a contractor relationship. A Contractor shall not be entitled to any copyright for anything created for, through, or as a result of this project.
Contractor Responsibility: Mandatory	The Contractor shall not release any material, report, or other document related to this project without the written approval of the ADOT Research Center. The Contractor shall not present information related to this project without the written approval of the Department's Research Center.
Contractor Responsibility: Mandatory	Pursuant to 23 CFR 420.121 (i), patents and inventions developed in the course of the Project are subject to federal standard patent rights at 37 CFR 401.14, incorporated herein by reference. The Contractor will retain all rights provided for the State in this clause, and the State will not, as part of the consideration for awarding the contract, obtain rights in the Contractor's subject inventions. However, the State shall be granted an immediate, irrevocable right to use, without royalty or fee, the subject invention for its purposes related to this project.
Contractor Responsibility: Mandatory	All Contractors and Sub-Contractors must be registered in the ADOT DBE (Disadvantaged Business Enterprise) System. For DBE Sub-Contractor/Contractor removals from an active Project, a Termination / Substitution / Reduction Request Form (Form 108C) is required, followed by approval from the ADOT Business Engagement and Compliance Office (BECO). If a replacement DBE sub-contractor shall be added to the project and/or the same goal committed to on the approved DBE forms will be met, no additional forms are needed. If this is not the case, then the Good Faith Effort (GFE) is also required. All forms are available at https://azdot.gov/business/procurement/federal-forms-and-provisions .
Contractor Responsibility: Mandatory	If removal of a DBE Sub-Contractor/Contractor is requested, submit the required form for DBE removal to the ADOT Business Engagement and Compliance Office (BECO). The Contractor must copy on the form submission and make sure the response from BECO is forwarded to the Procurement Officer, the project manager, and MPDContracts@azdot.gov .

Contractor Responsibility: Mandatory	Modifying sub-contractors will require submission of revised DBE forms and approval from BECO and Department's Procurement Office if the modifications alter the DBE commitment on the project.
Contractor Responsibility: Mandatory	<p>TRIBAL CONSULTATION: In the event that this project is located within tribal land or includes tribal involvement as a stakeholder, the Agency and the Contractor must exercise tribal consultation and coordination protocol when providing related services. The purpose for this provision is to ensure compliance with "ADOT's Tribal Consultation Policy" and Arizona Revised Statute Section 41-2051, Subsection C - Responsibilities of State Agencies: https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/02051.htm.</p> <p>An ADOT Tribal Transportation Consultation Online Training Course and Handbook are available to the Contractor and shall be reviewed upon selection. For an understanding of what that protocol entails, refer to Module 4 of the Course which is located on the Arizona Tribal Transportation website at: http://www.aztribaltransportation.org.</p>
Contractor Responsibility: Mandatory	<p>PROMPT PAYMENT: Pursuant to 49 CFR 26.29 prime Contractors must pay Subcontractors for satisfactory performance (i.e., all the tasks called for in the subcontract for the invoicing period have been accomplished and documented as required by the Agency and any deliverables are approved by the Agency) of their contracts no later than 7 days from receipt of each payment the Agency makes to the prime Contractor. The prompt payment provision applies to Subcontractors at all tiers. This applies to all Subcontractors, not just DBEs.</p> <p>In the event the Prime fails to invoice according to its scheduled invoicing activities, and in any case where a Prime's invoice has been rejected through no fault of the sub-contractor's performance, the Prime shall pay each Subcontractor for satisfactory work completed in no more than 30 calendar days from receipt of invoice for that work.</p>
MPO Responsibility: Mandatory	<p>In the event this project is federally funded, or if there is voluntary DBE participation in a State-funded project, the project will be entered as a contract or task order in the LPA DBE System (DOORS). Payment audits are required. For training on completing payment audits, please see the video: https://www.youtube.com/watch?v=QFZJlYmN1I.</p>
Contractor Responsibility: Mandatory	<p>DISCOVERY OR ADMISSION INTO EVIDENCE: The Contractor is herein notified of 23 USC §409. The Contractor shall include the notice in each Subcontractor agreement wherein the scope includes relative completion or submission of reports, surveys, schedules, lists, or data compilation or collection. Pursuant to 23 USC §409: Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or rail-way-highway crossings, pursuant to sections 130, 144, and 148 [152] of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.</p>
Suggested	<p>The budget for any project is not publicized, allowing for maximum competition. It is the responsibility of the Contractor to propose the most competitive pricing possible, and then after award, to work within the constraints of the awarded budget.</p> <p>(According to 2 CFR 200.319, all procurement transactions under the Federal award must be conducted in a manner that provides full and open competition) This requirement does not include a prohibition of publicizing the project budget.</p>

Suggested	No direct contact with agency staff is permitted during the solicitation period except when contact is initiated as part of the evaluation or negotiation processes. Direct contact with other agency staff shall be made only after award.
Suggested:	<p>Reaching Project Objectives: Tasks in the scope are designed to accomplish project objectives. If, after the award, critical tasks or products must be changed or be added to the approved work plan in order to reach the stated objectives, a revised work plan and a budget that clearly demonstrates the original scope, the changes needed, and a justification for the changes shall be submitted. Such a modification must be requested by the agency's project manager, and appropriate budget approvals must be obtained, and a revised contract / amendment and/or purchase order must be issued prior to engaging in the work. The agency reserves the right to remove or reduce any tasks during the life of the project that are deemed unnecessary or no longer necessary to reach the project objectives. In the event the Contractor has already begun working on removed or reduced tasks that were scheduled or approved by the PM to already begin, the agency will reimburse that portion of the costs sufficient to make the Contractor whole, as required in federal regulations.</p>
Suggested:	<p>RETAINAGE: Primes are herein notified they are prohibited from holding retainage from Sub-Contractors on this Project pursuant to 49 CFR 26.29.b(1).</p>

Exhibit F – Professional Service Agreement (PSA)
